

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2325

THIS DOCUMENT RELATES TO:

McKenna v. Ethicon, Inc.

Civil Action No. 2:17-cv-01356

O R D E R

Pending before the court is the plaintiff's Motion to Transfer MDL and Dismiss Certain Defendants ("Motion"), filed on June 20, 2017 [ECF No. 10]. Subsequent to the filing of plaintiff's Motion, this case has been placed in the American Medical Systems, Inc., Wave 3 cases by Pretrial Order # 249 [ECF No. 13]. Further, the plaintiff filed an Amended Short Form Complaint that no longer names the defendants that the plaintiff was requesting to be dismissed in her Motion [ECF No. 14].

After careful consideration, the court **ORDERS** that

- (1) the Motion to Transfer MDL and Dismiss Certain Defendants is **GRANTED** in part and **DENIED as moot** in part;
- (2) this action is **TRANSFERRED** to MDL 2327;
- (3) the dismissal of the defendants American Medical Systems, Inc., C. R. Bard, Inc., Boston Scientific Corp., Coloplast Corp, Cook Medical, Inc., and Neomedic is **DENIED as moot**;

- (4) pursuant to American Medical Systems, Inc. MDL PTO # 249 (Docket Control Order – American Medical Systems Inc. Wave 3 Cases), which states the following,

Transfer of any Wave 3 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C. R. Bard, Inc. (“Bard”), Boston Scientific Corporation (“BSC”), or Ethicon, Inc. (“Ethicon”) MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.

this action is now subject to PTO # 280 entered in MDL 2327; and

The court **DIRECTS** the Clerk as follows:

- (1) disassociate this civil action as member cases in MDL 2325 and re-associate it with MDL 2327;
- (2) file MDL 2327, PTO # 280 in this case;
- (3) change the 2325 Wave 3 flag to MDL 2327 Wave 8 flag; and
- (4) send a copy of this Order to counsel of record and any unrepresented party

ENTER: March 29, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE